



BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 174 and 180

[EPA-HQ-OPP-2019-0041; FRL-10003-17]

Receipt of Several Pesticide Petitions Filed for Residues of Pesticide Chemicals in or on Various Commodities (November 2019)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of filing of petitions and request for comment.

SUMMARY: This document announces the Agency's receipt of several initial filings of pesticide petitions requesting the establishment or modification of regulations for residues of pesticide chemicals in or on various commodities.

DATES: Comments must be received on or before [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*].

ADDRESSES: Submit your comments, identified by the docket identification (ID) number and pesticide petition number (PP) of interest as shown in the body of this document, by one of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001.

- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed

information, please follow the instructions at <http://www.epa.gov/dockets/contacts.html>.

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at <http://www.epa.gov/dockets>.

FOR FURTHER INFORMATION CONTACT: Michael Goodis, Registration Division (RD) (7505P), main telephone number: (703) 305-7090, email address: RDFRNotices@epa.gov; or Robert McNally, Biopesticides and Pollution Prevention Division (BPPD) (7511P), main telephone number: (703) 305-7090, email address: BPPDFRNotices@epa.gov. The mailing address for each contact person is: Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001. As part of the mailing address, include the contact person's name, division, and mail code. The division to contact is listed at the end of each pesticide petition summary.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

B. What Should I Consider as I Prepare My Comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through *regulations.gov* or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD-ROM that you mail to EPA, mark the outside of the disk or CD-ROM as CBI and then identify electronically within the disk or CD-ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at <http://www.epa.gov/dockets/comments.html>.

3. *Environmental justice.* EPA seeks to achieve environmental justice, the fair treatment and meaningful involvement of any group, including minority and/or low-income populations, in the development, implementation, and enforcement of environmental laws, regulations, and policies. To help address potential environmental justice issues, the Agency seeks information on any groups or segments of the population who, as a result of their location, cultural practices, or other factors, may have atypical or disproportionately high and adverse human health impacts or environmental effects from exposure to the pesticides discussed in this document, compared to the general population.

II. What Action is the Agency Taking?

EPA is announcing its receipt of several pesticide petitions filed under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a, requesting the establishment or modification of regulations in 40 CFR part 174 and/or part 180 for residues of pesticide

chemicals in or on various food commodities. The Agency is taking public comment on the requests before responding to the petitioners. EPA is not proposing any particular action at this time. EPA has determined that the pesticide petitions described in this document contain data or information prescribed in FFDCA section 408(d)(2), 21 U.S.C. 346a(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data support granting of the pesticide petitions. After considering the public comments, EPA intends to evaluate whether and what action may be warranted. Additional data may be needed before EPA can make a final determination on these pesticide petitions.

Pursuant to 40 CFR 180.7(f), a summary of each of the petitions that are the subject of this document, prepared by the petitioner, is included in a docket EPA has created for each rulemaking. The docket for each of the petitions is available at <http://www.regulations.gov>.

As specified in FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), EPA is publishing notice of the petitions so that the public has an opportunity to comment on these requests for the establishment or modification of regulations for residues of pesticides in or on food commodities. Further information on the petitions may be obtained through the petition summaries referenced in this unit.

A. Amended Tolerance Exemptions for PIPS

PP 9G8791. (EPA-HQ-OPP-2017-0113). BASF Corporation, 26 Davis Dr., P.O. Box 13528, Research Triangle Park, NC 27709-3528, requests to amend a temporary exemption from the requirement of a tolerance in 40 CFR 174.538 for residues of the plant-incorporated protectant (PIP) *Bacillus thuringiensis* Cry14Ab-1 protein in or on soybean by extending the expiration date. The petitioner believes no analytical method is needed because the petition is requesting to amend a temporary exemption from the requirement of a tolerance without

numerical limitation. *Contact:* BPPD.

B. New Tolerance Exemptions for Inerts (Except PIPS)

1. *PP IN-11282*. (EPA-HQ-OPP-2019-0572). BASF Corporation, 26 Davis Drive, Research Triangle Park, NC 27709, requests to establish an exemption from the requirement of a tolerance for residues of *Bacillus thuringiensis* strain EX 297512 whole broth, when used as an inert ingredient in pesticide formulations under 40 CFR 180.920 for use as a seed treatment only. The petitioner believes no analytical method is needed because it is not required for an exemption from the requirement of a tolerance. *Contact:* RD.

2. *PP IN-11323*. (EPA-HQ-OPP-2019-0510). SciReg, Inc. (12733 Director's Loop, Woodbridge, VA 22192) on behalf of Solvay USA Inc. (504 Carnegie Center, Princeton, NJ 08540) requests to establish an exemption from the requirement of a tolerance for residues of dimethyl-2-methylglutarate (CAS Reg. No. 14035-94-0) when used as inert ingredients (solvent) in pesticide formulations applied to growing crops pre- and post-harvest under 40 CFR 180.910. The petitioner believes no analytical method is needed because it is not required for an exemption from the requirement of a tolerance. *Contact:* RD.

3. *PP IN-11325*. (EPA-HQ-OPP-2019-0571) Ecolab Inc., 1 Ecolab Place, St. Paul, MN 55102, requests to establish an exemption from the requirement of a tolerance for residues of magnesium sulfate (including magnesium sulfate anhydrous (CAS Reg. No. 7487-88-9), magnesium sulfate monohydrate (CAS Reg. No. 14168-73-1), magnesium sulfate trihydrate (CAS Reg. No. 15320-30-6), magnesium sulfate tetrahydrate (CAS Reg. No. 24378-31-2), magnesium sulfate pentahydrate (CAS Reg. No. 15553-21-6), magnesium sulfate hexahydrate (CAS Reg. No. 17830-18-1), and magnesium sulfate heptahydrate (CAS Reg. No. 10034-998)), when used as inert ingredients in pesticide formulations under 40 CFR 180.940(a) at an upper

limit of 4400 parts per million (ppm). The petitioner believes no analytical method is needed because it is not required for an exemption from the requirement of a tolerance *Contact*: RD.

C. New Tolerance Exemptions for Non-Inerts (Except PIPS)

1. *PP 9F8749*. (EPA-HQ-OPP-2019-0474). FMC Corporation, 2929 Walnut St., Philadelphia, PA 19104, requests to establish an exemption from the requirement of a tolerance in 40 CFR part 180 for residues of the fungicide *Bacillus subtilis* strain RTI477 in or on all food commodities. The petitioner believes no analytical method is needed because, if *Bacillus subtilis* strain RTI477 is used as proposed, no residues of toxicological concern would result. *Contact*: BPPD.

2. *PP 9F8750*. (EPA-HQ-OPP-2019-0475). FMC Corporation, 2929 Walnut St., Philadelphia, PA 19104, requests to establish an exemption from the requirement of a tolerance in 40 CFR part 180 for residues of the fungicide *Bacillus velezensis* strain RTI301 in or on all food commodities. The petitioner believes no analytical method is needed because, if *Bacillus velezensis* strain RTI301 is used as proposed, no residues of toxicological concern would result. *Contact*: BPPD.

D. Notice of Filing – New Tolerances for Inerts

PP IN-11323. (EPA-HQ-OPP-2019-0510). SciReg, Inc. (12733 Director's Loop, Woodbridge, VA 22192) on behalf of Solvay USA Inc. (504 Carnegie Center, Princeton, NJ 08540) requests to establish an exemption from the requirement of a tolerance for residues of dimethyl-2-methylglutarate (CAS Reg. No. 14035-94-0) when used as inert ingredients (solvent) in pesticide formulations applied to growing crops pre- and post-harvest under 40 CFR 180.910. The petitioner believes no analytical method is needed because it is not required for an exemption from the requirement of a tolerance. *Contact*: RD.

E. New Tolerances for Non-Inerts

1. *PP 9F8772*. EPA-HQ-OPP-2019-0586. Syngenta Crop Protection, LLC, P.O. Box 18300, Greensboro, NC, 27419, requests to establish tolerance in 40 CFR part 180 for residues of the fungicide Benzovindiflupyr [chemical name 1 H-pyrazole-4-carboxamide, N-[9-(dichloromethylene)-1,2,3,4- tetrahydro-1,4-methanonaphthalen-5-yl]-3-(difluoromethyl)-1-methyl-] in or on the raw agricultural commodities beet, sugar, dried pulp at 0.15 ppm; beet, sugar, roots at 0.08 ppm; and beet, sugar, tops at 0.06 ppm. The analytical methods GRM042.08A, GRM042.06A (also known as Charles River Method No. 1887 Version 2.0), and GRM023.03A was used to measure and evaluate the chemical Benzovindiflupyr. *Contact*: RD.

2. *PP 9F8789*. (EPA-HQ-OPP-2019-0664, Mitsui Chemicals Agro, Inc. , Nihonbashi Dia Building, 1-19-1 Nihonbashi Chuo-ku Tokyo 103-0027, Japan c/o Landis International, Inc, P.O. Box 5126, Valdosta, GA 31603-5126 requests to establish a tolerance in 40 CFR part 180 for residues of the insecticide, Dinotefuran, in or on soybean seed at 0.3 ppm, soybean forage at 3 ppm, soybean hay at 6 ppm, and grain aspirated fractions at 40 ppm. High-Performance Liquid Chromatograph-Mass Spectrometer (LC-MS/MS) is used to measure and evaluate the chemical residues of the parent dinotefuran and residue of the metabolites, 1-methyl-3-(tetrahydro-3-furymethyl)guanidine (DN) and 1-methyl-3-(tetrahydro-3-furymethyl)-urea (UF). *Contact*: RD

Authority: 21 U.S.C. 346a.

Dated: December 18, 2019.

Delores Barber,

Director, Information Technology and Resources Management Division, Office of Pesticide Programs.

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